

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**

NINTH DAY'S PROCEEDINGS

**Thirtieth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, April 15, 2004

The Senate was called to order at 9:30 o'clock A.M., by Hon. Donald E. Hines, President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Dupre	Lentini
Amedee	Ellington	Malone
Bajoie	Fields	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Irons	Schedler
Cravins	Jackson	Smith
Dardenne	Jones	Theunissen
Duplessis	Kostelka	Ullo
Total—36		

ABSENT

Adley	Fontenot	Holden
Total—3		

The President of the Senate announced there were 36 Senators present and a quorum.

Prayer

The prayer was offered by Rev. Leo Cyrus, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Bajoie, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 15, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 60—
BY SENATOR THEUNISSEN

A CONCURRENT RESOLUTION
To memorialize Congress of the United States to continue to provide southwest Louisiana veterans a community based outpatient clinic in Jennings, Louisiana.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

**Privilege Report of the
Legislative Bureau**

April 14, 2004

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 491—
BY REPRESENTATIVE TOOMY
AN ACT

To amend and reenact R.S. 33:2345(A), (B), and (E), to enact R.S. 33:2345(F), and to repeal R.S. 33:2344(B)(3), relative to training of municipal police chiefs; to provide relative to the authority granted to the governing board of the Law Enforcement Executive Management Institute; to provide relative to training requirements for municipal chiefs of police; to provide exceptions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 891—
BY REPRESENTATIVES THOMPSON, ST. GERMAIN, BAUDOIN, BRUCE, DEWITT, FANNIN, FRITH, GEYMAN, M. GUILLORY, HILL, AND KENNEY

AN ACT

To repeal R.S. 3:4617(F), relative to the use of certain terms in the labeling of food products; to repeal provision relative to the use of terms protected by trademark or registered trade name.

Reported without amendments.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

Adoption of Legislative Bureau Report

On motion of Senator Lentini, the Bills and Joint Resolutions were read by title and passed to a third reading.

Introduction of Senate Resolutions

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Resolutions a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 32— BY SENATOR BARHAM

A RESOLUTION

To commend Blanche Bollich Mills for being named 2003 Louisiana Young Mother of the Year Representative by the Louisiana Association of American Mothers, Inc.

On motion of Senator Barham, the resolution was read by title and adopted.

Senate Bills and Joint Resolutions on Second Reading to be Referred

The following Senate Bills and Joint Resolutions were read and referred to committees as follows:

SENATE BILL NO. 765—

BY SENATORS ADLEY AND CAIN
AN ACT

To amend and reenact R.S. 32:71(B) and 73(1), and to enact R.S. 32:73.1, relative to traffic violations; to require an operator of a motor vehicle when overtaking and passing another vehicle to pass on the left and to return to the right lane after passing the vehicle; to provide for penalties; to provide relative to an operator of a motor vehicle that remains or travels in the left lane when not actively passing another vehicle; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

SENATE BILL NO. 766—

BY SENATOR B. GAUTREAUX
AN ACT

To amend and reenact R.S. 45:1177(A)(2) and (3) and (D), 1180(A) and (B), 1181(A), and to enact R.S. 45:1163.3(D), and to repeal R.S. 45:1177(E) and 1177.1, relative to the public service commission; to provide for an increase in fees paid by certain public utilities and common and contract carriers; to eliminate certain fees; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 767— BY SENATOR HAINKEL

AN ACT

To enact R.S. 41:1702(J), relative to certain waters; to provide relative to uses of the water bottom of Lake Pontchartrain; to provide certain terms, conditions, and requirements; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Natural Resources.

SENATE BILL NO. 768— BY SENATOR HOLLIS

AN ACT

To enact R.S. 6:966.1, relative to additional default remedies; to provide for a notice of repossession; to provide for contents; to provide for fees; and to provide for related matters.

On motion of Senator Hollis, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and International Affairs.

SENATE BILL NO. 769— BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 42:455(A)(1)(b) relative to payroll deduction by foreign companies; to provide for requirements for payroll deduction for foreign companies; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Finance.

SENATE BILL NO. 770— BY SENATOR FIELDS

AN ACT

To enact R.S. 17:1519.2(B)(1)(i), relative to University Medical Center in Baton Rouge; to provide for the establishment of such an entity; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Health and Welfare.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

April 15, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 213—

BY REPRESENTATIVE CRANE AND SENATOR ULLO
AN ACT

To amend and reenact R.S. 17:1954(A)(introductory paragraph) and (C)(1), (3), (4), and (5), relative to a special education advisory panel; to specify that the panel shall be appointed by the State Board of Elementary and Secondary Education; to specify that the panel shall advise the State Board of Elementary and Secondary Education in certain matters; and to provide for related matters.

HOUSE BILL NO. 173—

BY REPRESENTATIVE CRANE AND SENATOR ULLO
AN ACT

To amend and reenact R.S. 17:421.9(B), 421.10(B), and 421.11(B), relative to school employees; to provide relative to salary supplements for certain school employees who have acquired certain credentials; to provide conditions and guidelines for receiving the supplement; and to provide for related matters.

HOUSE BILL NO. 1072—

BY REPRESENTATIVES MURRAY AND DURAND
AN ACT

To amend and reenact R.S. 46:230.1(A) and (C), 231(14), 231.6(B), 231.7(A)(1)(introductory paragraph), (B)(2)(introductory paragraph) and (3), and (D)(1), and 231.8(B), relative to TANF; to provide for coordination between the Louisiana Workforce Commission and the Department of Social Services; to provide for collaboration in relation to the STEP program; and to provide for related matters.

HOUSE BILL NO. 1140 (Duplicate of Senate Bill No. 674)—

BY REPRESENTATIVE DURAND AND SENATOR HINES
AN ACT

To enact R.S. 37:1360.31(B)(8), relative to physician assistants; to provide for prescriptive authority under certain circumstances; and to provide for related matters.

HOUSE BILL NO. 1172—

BY REPRESENTATIVE ODINET
AN ACT

To amend and reenact R.S. 56:333(B)(1), relative to the commercial taking of mullet; to provide relative to seasons and times when fishermen are authorized to commercially take mullet; and to provide for related matters.

HOUSE BILL NO. 1363—

BY REPRESENTATIVES WINSTON, MARTINY, BURNS, R. CARTER, DOERGE, DURAND, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HUNTER, KATZ, LABRUZZO, MARCHAND, MCDONALD, MONTGOMERY, STRAIN, WADDELL, WALKER, SCHNEIDER, AND THOMPSON AND SENATORS MOUNT, CRAVINS, JONES, AND LENTINI
AN ACT

To amend and reenact R.S. 46:1941.1, 1941.2, 1941.5, and 1941.8 and to repeal R.S. 46:1941.3(1), 1941.4, 1941.6, 1941.7, 1941.9 through 1941.13, relative to youth services; to provide for the creation of youth services planning boards; to provide for the purpose of such boards; to provide with respect to membership; to repeal provisions of law providing for parish youth services programs; to repeal provisions providing for parish youth services subsidy program; and to provide for related matters.

HOUSE BILL NO. 1374—

BY REPRESENTATIVE JACK SMITH
AN ACT

To enact R.S. 56:303(F), relative to commercial fishing; to provide for a senior commercial fishing license for persons sixty-five and older; and to provide for related matters.

HOUSE BILL NO. 1403—

BY REPRESENTATIVE GRAY
AN ACT

To amend and reenact R.S. 40:1058.2(A)(9), relative to substance abuse/addiction treatment facilities; to delete the requirement that rules and regulations contain procedures for annual on-site surveys and complaint investigations; and to provide for related matters.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE BILL NO. 173—

BY REPRESENTATIVE CRANE AND SENATOR ULLO
AN ACT

To amend and reenact R.S. 17:421.9(B), 421.10(B), and 421.11(B), relative to school employees; to provide relative to salary supplements for certain school employees who have acquired certain credentials; to provide conditions and guidelines for receiving the supplement; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 213—

BY REPRESENTATIVE CRANE AND SENATOR ULLO
AN ACT

To amend and reenact R.S. 17:1954(A)(introductory paragraph) and (C)(1), (3), (4), and (5), relative to a special education advisory panel; to specify that the panel shall be appointed by the State Board of Elementary and Secondary Education; to specify that the panel shall advise the State Board of Elementary and Secondary Education in certain matters; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1072—

BY REPRESENTATIVES MURRAY AND DURAND
AN ACT

To amend and reenact R.S. 46:230.1(A) and (C), 231(14), 231.6(B), 231.7(A)(1)(introductory paragraph), (B)(2)(introductory paragraph) and (3), and (D)(1), and 231.8(B), relative to TANF; to provide for coordination between the Louisiana Workforce Commission and the Department of Social Services; to provide for collaboration in relation to the STEP program; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1140 (Duplicate of Senate Bill No. 674)—
BY REPRESENTATIVE DURAND AND SENATOR HINES
AN ACT

To enact R.S. 37:1360.31(B)(8), relative to physician assistants; to provide for prescriptive authority under certain circumstances; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1172—
BY REPRESENTATIVE ODINET
AN ACT

To amend and reenact R.S. 56:333(B)(1), relative to the commercial taking of mullet; to provide relative to seasons and times when fishermen are authorized to commercially take mullet; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1363—
BY REPRESENTATIVES WINSTON, MARTINY, BURNS, R. CARTER, DOERGE, DURAND, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HUNTER, KATZ, LABRUZZO, MARCHAND, MCDONALD, MONTGOMERY, STRAIN, WADDELL, WALKER, SCHNEIDER, AND THOMPSON AND SENATORS MOUNT, CRAVINS, JONES, AND LENTINI
AN ACT

To amend and reenact R.S. 46:1941.1, 1941.2, 1941.5, and 1941.8 and to repeal R.S. 46:1941.3(1), 1941.4, 1941.6, 1941.7, 1941.9 through 1941.13, relative to youth services; to provide for the creation of youth services planning boards; to provide for the purpose of such boards; to provide with respect to membership; to repeal provisions of law providing for parish youth services programs; to repeal provisions providing for parish youth services subsidy program; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1374—
BY REPRESENTATIVE JACK SMITH
AN ACT

To enact R.S. 56:303(F), relative to commercial fishing; to provide for a senior commercial fishing license for persons sixty-five and older; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1403—
BY REPRESENTATIVE GRAY
AN ACT

To amend and reenact R.S. 40:1058.2(A)(9), relative to substance abuse/addiction treatment facilities; to delete the requirement that rules and regulations contain procedures for annual on-site surveys and complaint investigations; and to provide for related matters.

The bill was read by title; lies over under the rules.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

April 14, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 94—
BY REPRESENTATIVES JOHNS, ALEXANDER, BALDONE, DANIEL, ERDEY, T. POWELL, TRICHE, WALSWORTH, AND WHITE AND SENATORS DARDENNE, FONTENOT, B. GAUTREAUX, KOSTELKA, MICHOT, MOUNT, AND SCHEDLER
A CONCURRENT RESOLUTION

To commend the recipients of the 2004 Louisiana Young Heroes Award.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

House Concurrent Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 94—
BY REPRESENTATIVES JOHNS, ALEXANDER, BALDONE, DANIEL, ERDEY, T. POWELL, TRICHE, WALSWORTH, AND WHITE AND SENATORS DARDENNE, FONTENOT, B. GAUTREAUX, KOSTELKA, MICHOT, MOUNT, AND SCHEDLER
A CONCURRENT RESOLUTION

To commend the recipients of the 2004 Louisiana Young Heroes Award.

The resolution was read by title. Senator Mount moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Amedee	Ellington	Marionneaux
Bajoie	Fields	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Heitmeier	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Dardenne	Kostelka	
Duplessis	Lentini	
Total—31		

NAYS

Total—0

ABSENT

Adley	Holden	McPherson
Cravins	Jackson	Ullo
Fontenot	Jones	
Total—8		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

House Bills and Joint Resolutions on Second Reading to be Referred

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

HOUSE BILL NO. 96—

BY REPRESENTATIVE CRANE AND SENATOR ULLO
AN ACT

To enact R.S. 37:2950(D)(1)(a)(xiv), relative to professions and occupations; to add the State Board of Elementary and Secondary Education to the list of exempt agencies from the general prohibition against the state disqualifying an applicant for employment or for a license, permit, or certificate for an occupation, trade, or profession solely based upon a prior criminal record; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 130—

BY REPRESENTATIVE LANCASTER
AN ACT

To amend and reenact R.S. 49:190.1, 191, and 193(E)(introductory paragraph), relative to the termination and re-creation of departments and statutory entities; to change the termination dates of departments and statutory entities; to provide for the effective termination date for all statutory authority for the existence of each department and statutory entity; to change the time for the study and evaluation of a statutory entity by standing committees of the legislature; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

HOUSE BILL NO. 154—

BY REPRESENTATIVE MARTINY
AN ACT

To enact R.S. 14:112.2 and 112.3, relative to the fraudulent portrayal of a law enforcement officer; to create the crime of fraudulent portrayal of a law enforcement officer; to create the crime of aiding and abetting fraudulent portrayal of a law enforcement officer; to provide for penalties; to provide for definitions; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 334—

BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:9(A)(1)(introductory paragraph), (b), (c), (q), and (gg), to enact R.S. 22:9(A)(1)(hh) through (mm) and to repeal R.S. 22:9(A)(1)(i), relative to the Louisiana Health Care Commission; to provide with respect to the functions and membership of the commission; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Insurance.

HOUSE BILL NO. 355—

BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 15:571.4(B)(1), relative to diminution of sentence; to authorize the forfeiture of good time in certain circumstances involving escape; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 361—

BY REPRESENTATIVE K. CARTER
AN ACT

To enact R.S. 22:1242(1)(f) and (g), relative to insurance fraud; to define fraudulent insurance acts relative to viatical settlements and unauthorized insurance; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Insurance.

HOUSE BILL NO. 909—

BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact Code of Criminal Procedure Article 895.4, relative to crime stoppers organizations and the additional cost of court which is imposed on offenders who are convicted of criminal and traffic violations and which is used to fund certain operations of those organizations; to provide for the certification of crime stoppers organizations by sheriffs and chiefs of police; to provide for the payment of the funds derived from the additional cost of court to certified crime stoppers organizations; to provide for the use of those funds; to provide definitions; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 1031—

BY REPRESENTATIVE LANCASTER
AN ACT

To enact R.S. 18:59.4, relative to a certification program for registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters; to establish a certification program for registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters; to provide for requirements of the program; to provide for a percent salary increase for registrars of voters, chief deputy registrars, and confidential assistants to registrars of voters who have completed all requirements of the program; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

HOUSE BILL NO. 1044—

BY REPRESENTATIVE MURRAY
AN ACT

To repeal R.S. 17:335 and 349.2, relative to operations and control of schools; to repeal antiquated and unconstitutional provisions relative to the operation and control of certain schools.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

SENATE BILL NO. 48—

BY SENATOR HAINKEL
AN ACT

To amend and reenact R.S. 14:402(E), relative to offenses affecting law enforcement; to provide relative to contraband prohibited in certain correctional facilities; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. On motion of Senator Marionneaux, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 52—

BY SENATOR ULLO
AN ACT

To amend R.S. 9:3198(A), relative to real estate; to provide relative to the sale of such property; to provide relative to homeowners' associations; to require disclosure by the seller to a potential purchaser of required membership in such an association as a result of the purchase; to require disclosure of certain other information relative to such homeowners' association; to require information relative to accessibility of certain documents of such homeowners' association; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 52 by Senator Ullo

AMENDMENT NO. 1

On page 1, line 2, after "amend" insert "and reenact"

AMENDMENT NO. 2

On page 1, line 5, after the semicolon ";," delete the remainder of the line

AMENDMENT NO. 3

On page 1, at the beginning of line 6, delete "such homeowners' association;"

AMENDMENT NO. 4

On page 1, line 13, after "inaccuracies;" insert "**required disclosure of information relative to homeowners' associations;**"

AMENDMENT NO. 5

On page 2, line 5, after the period "." delete the remainder of the line

AMENDMENT NO. 6

On page 2, delete lines 6 through 17

AMENDMENT NO. 7

On page 2, at the end of line 19, change "**are**" to "**is**"

AMENDMENT NO. 8

On page 2, delete line 23

AMENDMENT NO. 9

On page 2, at the beginning of line 24, change "(a) "**Homeowners**" to "**(4) As used in this Subsection, "homeowners"**"

AMENDMENT NO. 10

On page 2, delete line 29

AMENDMENT NO. 11

On page 3, delete lines 1 through 3

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 102—

BY SENATOR CHAISSON
AN ACT

To amend and reenact R.S. 13:124, relative to the Supreme Court of Louisiana; to provide for the expenditure of the balance of fees collected by the clerk; to provide that fund balances may be used to defray the expense of employment benefits, including dental insurance; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 107—

BY SENATOR N. GAUTREAUX
AN ACT

To amend Civil Code Arts. 3494(3), (4), and (5) and 3497, relative to liberative prescription; to increase the liberative prescriptive period of an action on money lent; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 107 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 2, line 3, after "excessive" change "~~donation; and~~" to "~~donation; and~~"

AMENDMENT NO. 2

On page 2, line 4, after "portions;" add ";

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 112—
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 13:3881(D)(3), relative to judicial procedure; to provide for certain exemptions from seizure by creditors; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 193—
BY SENATOR BAJOE

AN ACT

To enact Chapter 3 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:311 through 312, relative to children's mental health services; to provide for the creation of a pilot program for a system of care for the delivery of children's mental health services; to provide for the establishment of the Louisiana Youth Enhanced Services consortium; to provide for membership in the consortium; to provide for the jurisdiction of the consortium; to provide guidelines and principles to be used in preparing such a plan; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 193 by Senator Bajoie

AMENDMENT NO. 1

On page 2, line 9, after "office", delete "of" and insert "for citizens with"

AMENDMENT NO. 2

On page 2, line 11, delete the line and insert "(4) The designee of the assistant secretary for the office for addictive disorders of the Department of Health and Hospitals."

AMENDMENT NO. 3

On page 2, line 18, delete the line and insert "(9) Family members of children with serious emotional disturbance, residing within the jurisdiction."

AMENDMENT NO. 4

On page 2, between lines 20 and 21, insert the following:
"(11) A representative of a school board within the jurisdiction.
(12) The director of the Mental Health Advocacy Service, or his designee."

AMENDMENT NO. 5

On page 4 after line 3, insert the following:

"§313. General grant of authority

R.S. 28:313 is all proposed new law.

The Louisiana Youth Enhanced Services Consortium may engage in other community-based activities, including but not limited to planning, development, and service implementation for children with serious emotional disturbance and their families."

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 239—
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 6:969.17 and R.S. 9:3529, relative to certain credit transactions; to provide for the collection of certain fees and charges due to insufficient funds when payment is made by electronic means; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 239 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 2 after "6:969.17" delete "and R.S. 9:3529," and insert "R.S. 9:3529, and R.S. 47:1604.2,"

AMENDMENT NO. 2

On page 2, after line 15 insert the following:

"Section 3. R.S. 47:1064.2 is hereby amended and reenacted to read as follows:

§1604.2. Insufficient funds check **or electronic debit** in payment of taxes; penalty

In the event a check **or electronic debit** used to make payment of a tax, interest, penalty, or fee due under this Subtitle is returned unpaid by the bank on which it is drawn for any reason related to the account on which the check **or electronic debit** is written, such shall constitute a failure to pay the tax, interest, penalty, or fee due and a specific penalty shall be imposed on the taxpayer in addition to all other penalties provided by law; provided however, upon sufficient proof being furnished to the secretary by the bank that the bank was at fault for the nonpayment of the check **or electronic debit**, the secretary shall waive the penalty provided for in this Section. This specific penalty shall be an obligation to be collected and accounted for in the same manner as if it were part of the tax, interest, penalty, or fee that is due in payment of which the check **or electronic debit** was given and may be enforced in a separate action or in any action instituted for the collection of the tax, interest, penalty, or fee. The specific penalty imposed under this Section shall be an amount equal to the greater of one percent of the check **or electronic debit** or twenty dollars. After receipt of three insufficient fund checks **or electronic debits** during any two-year period, the secretary of the Department of Revenue may require payment of the taxes, interest, penalties, or fees due by the taxpayer to be paid by certified check, money order, or cash."

On motion of Senator Hollis, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 341—
BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 32:300(A), 300(B)(3)(b) and 300(E) and to enact R.S. 32:300(F), relative to alcoholic beverages; to prohibit passengers in motor vehicles from possessing open alcoholic beverage containers; to prohibit such persons from consuming alcoholic beverages; to provide for exceptions; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 341 by Senator Chaisson

AMENDMENT NO. 1

On page 1, line 2, change "R.S. 32:300(A), 300(B)(3)(b), and 300(E)" to "R.S. 32:300(A), (B)(3)(b), (D) and (E)"

AMENDMENT NO. 2

On page 1, line 8, change "R.S. 32:300(A), 300(B)(3)(b), and 300(E)" to "R.S. 32:300(A), (B)(3)(b), (D) and (E)"

AMENDMENT NO. 3

On page 1, line 12, after "**vehicle**," change "when" to "**while**" and after "is" and before "on" insert "**operated**"

AMENDMENT NO. 4

On page 2, line 7, after "**vehicles**" delete the remainder of line and insert a period "." and delete the lines 8 through 12 in their entirety

AMENDMENT NO. 5

On page 2, between lines 4 and 5, insert the following: "D. Whoever violates the provisions of this Section shall be fined not more than **fifty one hundred** dollars. ~~No court~~ **Court** costs shall be assessed in addition to the fine authorized by this Subsection."

AMENDMENT NO. 6

On page 2, at the end of line 24, after "vehicle" insert a period "."

AMENDMENT NO. 7

On page 2, delete line 25

On motion of Senator Chaisson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 348—
BY SENATOR SMITH

AN ACT

To enact Chapter 3-C of Title 3 of the Louisiana Revised Statutes of 1950 to be comprised of R.S. 3:284 to R.S. 3:286 and to amend and reenact R.S. 27:52(2)(g), relative to the development of markets for agricultural and aquacultural products; to provide for certain terms, conditions and procedures; to provide definitions; and to provide for related matters.

Reported with amendments by the Committee on Agriculture, Forestry, Aquaculture and Rural Development.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development to Original Senate Bill No. 348 by Senator Smith

AMENDMENT NO. 1

On page 1, delete lines 2 and 3 and insert in lieu thereof the following: "To amend and reenact R.S. 27:52(2)(g) and to enact Chapter 3-C of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:284 through 286, relative to the"

AMENDMENT NO. 2

On page 1, line 9, change "286" to "286," and after "enacted" delete the remainder of the line, and on line 10 delete "amended and reenacted"

AMENDMENT NO. 3

On page 1, line 11, change "3-C:" to "3-C."

AMENDMENT NO. 4

On page 1, line 17, change "aquaculture industry is" to "aquacultural industries are"

AMENDMENT NO. 5

On page 2, line 1, change "the" to "these" and delete "agriculture and aquaculture"

AMENDMENT NO. 6

On page 2, line 3, change "Legislature" to "legislature"

AMENDMENT NO. 7

On page 2, line 12, between "livestock products," and "poultry" insert "poultry and"

AMENDMENT NO. 8

On page 2, line 15, between "marketing" and "aquatic" insert "of"

AMENDMENT NO. 9

On page 2, line 16, change "Agricultural Firm" to "agricultural firm", after "a" delete the remainder of the line, and on line 17 delete "or limited liability corporation" and insert in lieu thereof "legal entity"

AMENDMENT NO. 10

On page 2, line 24, change "manufactures or sells" to "or manufactures"

AMENDMENT NO. 11

On page 2, line 26, change "Agricultural Markets" to "agricultural market" and change "location" to "entity"

AMENDMENT NO. 12

On page 2, line 29, after "Agriculture" insert "and Forestry"

AMENDMENT NO. 13

On page 3, line 3, change "Agricultural Firms" to "agricultural firms"

AMENDMENT NO. 14

On page 3, line 6, after "Statutes" insert "of 1950"

AMENDMENT NO. 15

On page 3, line 7, change "herein" to "in this Chapter"

AMENDMENT NO. 16

On page 3, between lines 8 and 9, insert the following:

"Section 2. R.S. 27:52(2)(g) is hereby amended and reenacted to read as follows:"

AMENDMENT NO. 17

On page 3, line 15, after "**firms**" insert a comma, delete "**is**", and change "**3:285**" to "**3:285,**"

On motion of Senator Smith, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 371—
BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 40:1299.43(A)(1), (2), (3), (4), and (5), (B)(1), and (C), relative to medical malpractice; to provide relative to future medical benefits; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 371 by Senator Lentini

AMENDMENT NO. 1

On page 1, line 11, delete "**trial**" and insert "**response to the special interrogatory,**"

AMENDMENT NO. 2

On page 1, line 15, delete "**trial**" and insert "**the court's finding**"

AMENDMENT NO. 3

On page 2, line 2, delete "**trial**" and insert "**the response to the special interrogatory by the jury or the court's finding**"

AMENDMENT NO. 4

On page 2, line 3, delete "**trial**" and insert "**response to the special interrogatory by the jury or the court's finding**"

AMENDMENT NO. 5

On page 2, line 7, change "**benefits**" to "benefits" and delete "**trial**" and insert in lieu thereof "**the response to the special interrogatory by the jury or the court's finding**"

AMENDMENT NO. 6

On page 2, line 11, delete "**trial**" and insert "**response to the special interrogatory by the jury or the court's finding**"

AMENDMENT NO. 7

On page 2, line 15, delete "**trial**" and insert "**the response to the special interrogatory by the jury or the court's finding**"

AMENDMENT NO. 8

On page 2, line 23, delete "**trial or settlement**" and insert "**the settlement, judgment, or arbitration award**"

AMENDMENT NO. 9

On page 2, line 27, delete "**trial or**" and delete line 28 and insert "**the settlement, judgment, or arbitration award.**"

AMENDMENT NO. 10

On page 3, line 3, delete "**trial**" and insert "**the response to the special interrogatory by the jury or the court's finding**"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 376—
BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 13:5204(B) and 5209(B) and to enact R.S. 13:5206.1, relative to small claim courts; to provide for the waiver of right to appeal; to provide for the transfer of proceedings from small claims division; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 382—
BY SENATOR LENTINI

AN ACT

To enact R.S. 40:1299.49, relative to medical review panels; to provide relative to state and private medical claims; to provide for such claims for the same patient and the same injury; to limit review to one panel in such cases; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 382 by Senator Lentini

AMENDMENT NO. 1

On page 1, line 2, after "enact" change "R.S. 40:1299.49" to "R.S. 40:1299.39.2 and 1299.49"

AMENDMENT NO. 2

On page 1, line 6, after "Section 1." change "R.S. 40:1299.49 is" to "R.S. 40:1299.39.2 and 1299.49 are"

AMENDMENT NO. 3

On page 1, delete lines 7 through 15 and add the following in lieu thereof

"§1299.39.2 Medical review panel; one panel for state and private claims

R.S. 40:1299.39.2 is all proposed new law.

The following provisions shall apply when, for the same injury to or death of a patient, a malpractice claim alleges liability of both a state health care provider under the provisions of this Part and a health care provider under the provisions of Part XXIII of this Chapter:

(1) Unless all parties have agreed otherwise, only one medical review panel shall be convened in such instance to review the claims under this Part and Part XXIII of this Chapter.

(2) The panel shall consist of a single attorney chairperson and three health care providers who hold unlimited licenses to practice their profession in Louisiana.

(3) The panel shall be considered a joint medical review panel, and its actions shall be deemed to have the same force and effect as if a separate medical review panel had been convened under each of the respective Parts.

(4) The panel shall be governed by the law applicable under both Parts. In the event of a procedural conflict between the provisions of the Parts, the provisions of R.S. 40:1299.47 shall govern.

* * *

1299.49. Medical review panel; one panel for state and private claims

R.S. 40:1299.49 is all proposed new law

The following provisions shall apply when, for the same injury to or death of a patient, a malpractice claim alleges liability of both a state health care provider under the provisions of this Part and a health care provider under the provisions of Part XXI-A of this Chapter:

(1) Unless all parties have agreed otherwise, only one medical review panel shall be convened in such instance to review the claims under this Part and Part XXI-A of this Chapter.

(2) The panel shall consist of a single attorney chairperson and three health care providers who hold unlimited licenses to practice their profession in Louisiana.

(3) The panel shall be considered a joint medical review panel, and its actions shall be deemed to have the same force and effect as if a separate medical review panel had been convened under each of the respective Parts.

(4) The panel shall be governed by the law applicable under both Parts. In the event of a procedural conflict between the provisions of the Parts, the provisions of R.S. 40:1299.47 shall govern."

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 400—

BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 47:9004(B)(1), relative to the Louisiana Lottery Corporation; to provide with respect to the board of directors; to provide for rules of appointment; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 400 by Senator Marionneaux

AMENDMENT NO. 1

On page 1, line 15, change "**two**" to "**beginning with the first at large appointee whose term expires after August 15, 2004, one of the at large members**"

On motion of Senator Marionneaux, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 401—

BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 27:306(E)(2)(c), relative to video draw poker devices; to provide for license qualifications when a video draw poker device license is sold or transferred; to provide for the one hundred eighty day time limit allowing the operation of video draw poker devices under an old license pending approval of a license to operate in the name of a new establishment owner; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 401 by Senator Marionneaux

AMENDMENT NO. 1

On page 1, between lines 10 and 11 insert the following:

"* * *

AMENDMENT NO. 2

On page 2, line 2, after "**application**" delete the remainder of the line and delete line 3 and insert a period

On motion of Senator Marionneaux, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 464—

BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 30:2018(C) and to enact R.S. 30:2017(B)(3), relative to the public hearings conducted by the Department of Environmental Quality; to provide for the location of the public hearing; to authorize state legislators and other statewide elected officials to speak at such public hearings; and to provide for related matters.

Reported favorably by the Committee on Environmental Quality. On motion of Senator Cain, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 466—

BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 40:1376(F), relative to employees of the Department of Environmental Quality who are commissioned by the office of state police; to prohibit the duplication of badges; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 466 by Senator Fontenot

AMENDMENT NO. 1

On page 2, line 1, after "police" change the semi-colon ";" to a comma ","

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 467— BY SENATOR FONTENOT

AN ACT

To enact R.S. 30:2025(H), relative to environmental quality; to provide a limitation on the time within which actions, suits or proceedings for the assessment or enforcement of any civil fine or penalty may be instituted; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 467 by Senator Fontenot.

AMENDMENT NO. 1

On page 1, line 3, between "suits" and "or" insert a comma ","

AMENDMENT NO. 2

On page 1, line 16, after "thereon." insert the following: "For the purposes of this Subsection, a claim for a civil fine or penalty first accrued when the violation is first reported to the Department of Environmental Quality, in accordance with applicable laws and regulations."

AMENDMENT NO. 3

On page 1, delete line 17

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 468— BY SENATOR FONTENOT

AN ACT

To enact Part II of Chapter 21 of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:2551 and 2552, relative to environmental quality; to provide for the Brownfields Cleanup Revolving Loan Fund; to provide for purpose; to provide for capitalization; to provide for uses; to provide for authority to take loans, grants, and incur debt; to provide for the administration of the Brownfields Cleanup Revolving Loan Fund; to provide for bonds, notes, or other evidence of indebtedness; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 468 by Senator Fontenot

AMENDMENT NO. 1

On page 1, line 5, change "take" to "make"

AMENDMENT NO. 2

On page 1, at the end of line 6, delete "Brownsfield Cleanup" and insert in lieu thereof "fund"

AMENDMENT NO. 3

On page 1, line 7, delete "Revolving Loan Fund"

AMENDMENT NO. 4

On page 3, line 3, change "take" to "make"

AMENDMENT NO. 5

On page 3, line 6, between "trust," and "or" insert "quasi governmental organization,"

AMENDMENT NO. 6

On page 3, line 16, between "trust," and "or" insert "quasi governmental organization,"

AMENDMENT NO. 7

On page 4, line 5, between "trust," and "or" insert "quasi governmental organization,"

AMENDMENT NO. 8

On page 4, line 5, between "nonprofit" and "entity" delete "private"

AMENDMENT NO. 9

On page 4, line 14, between "subdivision" and "or" insert ", quasi governmental organization"

AMENDMENT NO. 10

On page 4, line 16, between "subdivision" and "or" insert ", quasi governmental organization"

AMENDMENT NO. 11

On page 4, line 22, between "subdivision" and "or" insert ", quasi governmental organization"

AMENDMENT NO. 12

On page 4, line 25, between "subdivision" and "or" insert ", quasi governmental organization"

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

SENATE BILL NO. 486— BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 15:1202(A)(introductory paragraph) and 1204.1(A) and (B)(11), R.S. 36:401(B)(1) and (2) and (C)(1), 402, 405(A)(1)(introductory paragraph) and (c) and (2), (B), and

(C), 406(A), (B)(3), and (C), 407(B) and (C), and 408(G)(1) and (H), R.S. 39:21.3(D), and R.S. 46:2602(B)(3), and to enact R.S. 15:1202(A)(27), 1228.2(10) and 1228.3(14) and R.S. 36:405(D) and 406(B)(4), relative to the reorganization of the Department of Public Safety and Corrections; to create youth services as an organizational unit of the department; to provide for the composition and officers of youth services; to create the office of management and finance for youth services; to place the office of youth development within youth services; to provide for the powers, duties, functions, and responsibilities of department officers; to provide for office functions; to provide relative to membership and functions of related boards, commissions, and like entities; to provide for implementation; to provide for effective dates; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. The bill was read by title, ordered engrossed, and recommitted to the Committee on Finance.

SENATE BILL NO. 491—
BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 46:1941.1, 1941.2, 1941.5, and 1941.8, and to repeal R.S. 46:1941.3, 1941.4, 1941.7, 1941.9 through 1941.13, relative to youth services; to provide for the creation of youth services planning boards; to provide for the purpose of such boards; to provide with respect to membership; to repeal provisions of law providing for parish youth services programs; to repeal provisions providing for parish youth services subsidy program; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 491 by Senator Cravins

AMENDMENT NO. 1

On page 1, line 3, change "46:1941.3" to "46:1941.3(1)" and after "1941.4," insert "1941.6,"

AMENDMENT NO. 2

On page 1, at the beginning of line 16, insert the following:

"The purpose of the youth services planning boards is to assign, align, coordinate, prioritize, and measure all available programs and services that address the needs of youths. This infrastructure for planning is intended to be date-driven in order to select the appropriate evidence-based programs which maximize resources resulting in a comprehensive focus on risk factors associated with youth development."

AMENDMENT NO. 3

On page 2, line 7, change "is" to "are"

AMENDMENT NO. 4

On page 2, line 14, after "R.S. 46:1941.2 by" delete the remainder of the line and insert in lieu thereof **"A youth services planning board shall be established in each judicial district pursuant to"**

AMENDMENT NO. 5

On page 2, at the beginning of line 15, delete "services planning board by"

AMENDMENT NO. 6

On page 2, at the end of line 29, change "at least" to "~~at least~~"

AMENDMENT NO. 7

On page 3, delete line 1 and insert "~~eighteen~~ seven but not more than ~~twenty~~ members who, if available"

AMENDMENT NO. 8

On page 3, line 3, after "judiciary," insert "where possible a judge elected to the juvenile court bench,"

AMENDMENT NO. 9

On page 3, line 5, after "organizations," insert "parent organizations, organizations that advocate for youth," and change "two" to "one" and change "members" to "members member"

AMENDMENT NO. 10

On page 3, line 15, change "Bboard" to "Bboards"

AMENDMENT NO. 11

On page 3, line 16, after "of" change "the" to "~~the~~ a"

AMENDMENT NO. 12

On page 3, line 18, change "recommendation" to "~~recommendation~~ recommendations"

AMENDMENT NO. 13

On page 3, line 23, change "board" to "boards"

AMENDMENT NO. 14

On page 3, delete lines 24 through 29 and insert the following:

"(a) Assess the needs of juveniles in the local community incorporating reliable data sources.

(b) Identify all available resources to meet the needs for youth by comprehensively examining resources and services that target youth that can be used in planning to fill gaps in services and provide a continuum of services. These services may include prevention, early intervention, education, treatment, etc.

(c) Develop and select the appropriate evidence-based strategies or programs to meet those needs identified by soliciting community input and developing a strategic plan to best address the needs of youth in the respective community. This strategic plan should have measurable goals and objectives and should be evaluated annually to ensure its effectiveness.

(d) Ensure that appropriate intermediate dispositional options are available, including graduated sanctions.

(e) Increase public awareness as to the causes of delinquency and strategies to reduce incidents of delinquency, and be able to articulate and document the local design to impact those risk factors.

(f) Ensure effective delivery of prevention programs in the community through training, technical assistance, monitoring, and evaluation to ensure effective outcomes are achieved.

(g) Report by October first annually to the office of youth services and the Children's Cabinet the results of such assessments. Performance indicators and benchmarks from the reports will be used for planning at both the state and community levels."

AMENDMENT NO. 15

On page 4, delete lines 1 through 4 in their entirety.

AMENDMENT NO. 16

On page 4, line 5, after "~~Advisory~~" insert "**planning**" and change "~~B~~board" to "~~B~~boards"

AMENDMENT NO. 17

On page 4, line 9, change "board" to "~~board~~ **boards**"

AMENDMENT NO. 18

On page 4, delete line 11, and insert in lieu thereof "Section 2. R.S. 46:1941.3(1), 1941.4, 1941.6, 1941.7, 1941.9 through 1941.13 are"

On motion of Senator Marionneaux, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 538—

BY SENATOR CAIN

AN ACT

To amend and reenact R.S. 22:228.1(B)(7), (8), (9), (10), (11), (12), and (C) and to enact R.S. 22:228.1(B)(13), relative to health insurance; to define health savings accounts and high deductible health plans; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 538 by Senator Cain.

AMENDMENT NO. 1

On page 1, line 3, between "22:228.1(B)(13)" and the comma "," insert "and (14)"

AMENDMENT NO. 2

On page 1, line 7, change "is" to "and (14) are"

AMENDMENT NO. 3

On page 1, line 14, change "Savings Accounts" to "savings accounts"

AMENDMENT NO. 4

On page 1, line 15, change "220, et. seq." to "§220, et seq."

AMENDMENT NO. 5

On page 1, line 17, change "Deductible Health Plan" to "deductible health plan"

AMENDMENT NO. 6

On page 2, line 1, after "account" insert a comma "," and delete the remainder of the line and add "medical savings account, or"

AMENDMENT NO. 7

On page 2, line 2, change "U.S.C. 222, et. seq." to "U.S.C.A. §220, et seq."

AMENDMENT NO. 8

On page 2, between lines 24 and 25, insert the following:

"R.S. 22:228.1(B)(14) is all proposed new law."

(14) "Medical savings account policy" means a high deductible health plan which is qualified to be used in conjunction with a medical savings account as provided in 26 U.S.C.A. §220, et seq."

AMENDMENT NO. 9

On page 2, line 25, change "**deductive**" to "**deductible**"

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 560—

BY SENATOR FONTENOT

AN ACT

To amend and reenact the introductory paragraph of R.S. 30:2194(B), (4), (9), and (11) through (15) and the introductory paragraph of (C), 2195(A) and (E), the introductory paragraph of 2195.2(A)(1), (a), and (c)(i), (2), (3), (4), and (5), 2195.3(A)(1)(b) and (7), 2195.4(A)(1), (2), and (3)(c)(ii) and (B)(1), 2195.6, 2195.7, the introductory paragraph of 2195.8(B) and 1 and (C), 2195.9(A), and 2195.10, to enact R.S. 30:2195.8(D), (E), and (F) and 2195.11, and to repeal R.S. 30:2194(B)(16), relative to underground storage tanks; to provide for uses of money in the Motor Fuels Underground Storage Tank Trust Fund, especially relative to those who are eligible for disbursements from the fund; to provide relative to penalties for failure to pay fees that are paid into the trust fund; to provide relative to financial obligations of tank owners for environmental damage resulting from releases; and to provide for related matters.

Reported with amendments by the Committee on Environmental Quality.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Environmental Quality to Original Senate Bill No. 560 by Senator Fontenot

AMENDMENT NO. 1

On page 1, line 5, between "(3)(c)(ii)" and "2195.6" delete "and (B)(1)" and between "2195.7," and "the" insert "2195.8(A),"

AMENDMENT NO. 2

On page 1, line 6, change "2195.8(B) and 1" to "2195.8(B) and (1)"

AMENDMENT NO. 3

On page 1, at the end of line 17, after "(3)(c)(ii)" delete "and"

AMENDMENT NO. 4

On page 2, at the beginning of line 1, delete "(B)(1)" and between "2195.7," and "2195.9(A)" insert "2195.8(A),"

AMENDMENT NO. 5

On page 3, line 18, change "groundwater" to "**surface water,** groundwater,"

AMENDMENT NO. 6

On page 4, at the end of line 11, after "**contamination**" insert "**of surface water,**"

AMENDMENT NO. 7

On page 4, at the beginning of line 12, between "groundwater" and "or" insert a comma ",".

AMENDMENT NO. 8

On page 4, line 27, change "groundwater" to "surface water, groundwater."

AMENDMENT NO. 9

On page 6, at the end of line 2, change "groundwater" to "surface water, groundwater."

AMENDMENT NO. 10

On page 6, line 9, change "groundwater" to "surface water, groundwater."

AMENDMENT NO. 11

On page 10, delete lines 13 through 21

AMENDMENT NO. 12

On page 11, at the end of line 9, delete "action" and insert in lieu thereof "actions and third-party judgments"

AMENDMENT NO. 13

On page 11, line 10, between "owners" and "are" insert "who are eligible participants in the Tank Trust Fund"

AMENDMENT NO. 14

On page 12, line 15, change "Noncompliance" to "Absent any other evidence, noncompliance"

AMENDMENT NO. 15

On page 12, line 16, between "magnitude of" and "release" insert "the"

AMENDMENT NO. 16

On page 12, line 17, between "amounts" and the colon ":" insert "for assessment and remediation"

AMENDMENT NO. 17

On page 12, line 18, change "Ten thousand" to "Seven thousand five-hundred"

AMENDMENT NO. 18

On page 13, line 16, change "two" to "three"

AMENDMENT NO. 19

On page 13, at the beginning of line 17, change "Subsection B of this Section" to "R.S. 30:2195.10(B)(1) through (7)"

AMENDMENT NO. 20

On page 13, between lines 19 and 20, insert the following:
"E. Annually the advisory board shall review the financial responsibility requirements for noncompliance and may recommend adjustments to the requirements to the secretary. The secretary shall determine and set the financial responsibility amounts for noncompliance annually. Adjustments to the financial responsibility for noncompliance shall be no less than the amounts currently established by law."

AMENDMENT NO. 21

On page 14, delete line 6, and insert in lieu thereof the following:

"A. There shall be a Motor Fuels Underground Storage Tank Trust Fund Advisory Board, hereinafter referred to as the "board", to advise the secretary with regard to implementation of the Tank Trust Fund including investment of the trust, changing of the trust ceiling if after a reasonable time this would be deemed appropriate and with regard to the minimum level of funding. The board shall annually review the "Louisiana Motor Fuels Underground Storage Tank Trust Fund Cost Control Guidance Document" and may make recommendations for changes. Prior to the promulgation of any proposed underground storage tank regulations, the department shall provide proposed changes to the board for review. The board shall also determine the role of the Tank Trust Fund in establishing financial responsibility as required by federal or state law, except that such requirement shall not exceed those established by the U.S. Environmental Protection Agency. The board shall additionally examine claims made and loss experience, make recommendations to the secretary regarding minimum levels of financial responsibility for underground storage tank owners, and the necessity for and contents of rules and regulations issued under the Environmental Quality Act in similar matters. The board may recommend standards for the qualification of response action contractors as defined herein. The board may recommend at any time that response action contractors be added to or deleted from the list. The board shall also have the authority to review applications for disbursements from the Tank Trust Fund."

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

SENATE BILL NO. 592—

BY SENATOR CHAISSON

AN ACT

To amend and reenact Code of Evidence Article 412.2(A), relative to evidence; to provide for the introduction of certain crimes, wrongs, and acts in sex offense cases; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Chaisson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 603—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 46:2136.2(F), relative to Domestic Abuse Assistance, to provide for the Louisiana Protective Order Registry; to provide for release of information from the Protective Order Registry to the Department of Health and Hospitals, bureau of protective services, and the Governor's Office of Elderly Affairs, elderly protective services; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 603 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 5, after "services," delete "and"

AMENDMENT NO. 2

On page 1, line 6, after "services" insert ", and the office of the attorney general"

AMENDMENT NO. 3

On page 1, line 16, after "services," insert "the office of the attorney general,"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 654—
BY SENATOR BAJOE

AN ACT

To amend and reenact R.S. 46:231.6(A)(1), (B), (C), and (D) and 460.5 and to repeal R.S. 46:460.5(E), relative to FITAP eligibility and earned income disregards; to provide for a sixty-month limit of eligibility for benefits; to provide for earned income disregards; to provide for initial transitional assessments; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 654 by Senator Bajoie

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 46:231.6(A)(1), (B), (C), and (D)" insert "231.7, 231.8, 231.11" and after "460.5" delete the remainder of the line and on line 3, delete "46:460.5 (E)"

AMENDMENT NO. 2

On page 1, line 8, after "R.S. 46:231.6(A)(1), (B), (C), and (D)" insert "231.7, 231.8, 231.11" and before "46:460.5" insert "R.S."

AMENDMENT NO. 3

On page 2, line 4, after "~~recipient's household~~:" delete the remainder of the line, delete all of line 5, and in line 6, delete "with Family Success Agreements," and insert the following:

"All work-eligible families receiving FITAP benefits will receive on-going intensive case management including monthly contact with those engaged in a work activity. The on-going intensive case management services will be provided to work-eligible families by the Department of Social Services and other TANF partner agencies, in accordance with R.S. 46:231.7, to develop and comply with Family Success Agreements."

AMENDMENT NO. 4

On page 2, line 10, after "self-sufficiency," insert the following: "The Family Success Agreement shall be reviewed every six months."

AMENDMENT NO. 5

On page 2, line 28, after "D." delete the remainder of the line and on line 29, delete "work-eligible participants" and insert "Work-eligible recipients"

AMENDMENT NO. 6

On page 3, line 1, delete "or participants that" and insert "who are within six months of reaching the sixty-month limit on cash assistance or who"

AMENDMENT NO. 7

On page 3, between lines 19 and 20, insert the following:

"§231.7. Education, employment, and related services for FITAP participants; responsibilities of secretary, agencies, and participants
A. * * *

(3) Immediately upon application for cash assistance, work-eligible applicants, according to R.S. 46:231, shall be required to participate in job readiness assistance. If satisfactory participation in job readiness is documented, an applicant's application for cash assistance shall be completed. Upon notification of eligibility, a work-eligible participant shall be notified, verbally and in writing, of program expectations and client responsibilities. Such notification shall include:

(a) Notification of the ~~twenty-four~~ sixty-month time limit on assistance.

* * *

D.(1) During a period in which a participant receives an exception to the work requirement, a revised Family Success Plan shall be developed during the six-month exception period to enable satisfactory progress toward meeting employment and educational activity requirements. Participants who receive a six-month exception shall be informed that this time is counted against their ~~twenty-four~~ sixty-month limit of cash assistance. Such exception shall occur only once in a twelve-month period.

* * *

§231.8. STEP participation; evaluation and screening; initial referral; appeal procedure

A. * * *

(2) The department shall conduct a Transitional Assessment Plan with participants who have received three months of earnings disregard or ~~no later than who are within~~ six months ~~prior to of~~ the expiration of the ~~twenty-four~~ sixty-month limit on cash assistance, whichever is earlier. The Transitional Assessment Plan shall include a plan for on-going success in the work force, identification of short and long-term goals, identification of potential barriers and an action plan to overcome these barriers, and information regarding eligibility for supportive services. These supportive services shall include but are not limited to: Medicaid, food stamps, child care, transportation, Louisiana Child Children's Health Insurance Program, the earned income tax credit, and TANF-funded services. Information shall be provided verbally and in written form.

* * *

§231.11. Transitional services

To the extent that appropriations are available, the secretary shall provide transitional services to facilitate the self-sufficiency and employment retention of FITAP recipients toward self-sufficiency. The department shall conduct a Transitional Assessment Plan with participants who have received three months of earnings disregard or ~~no later than who are within~~ six months ~~prior to of~~ the expiration of the ~~twenty-four~~ sixty-month limit on cash assistance, whichever is

earlier. The Transitional Assessment Plan shall include a plan for on-going success in the work force, identification of short and long-term goals, identification of potential barriers and an action plan to overcome these barriers, and information regarding eligibility for supportive services. These supportive services shall include but are not limited to: Medicaid, food stamps, child care, transportation, Louisiana Child Children's Health Insurance Program, the earned income tax credit, and TANF-funded services. Information shall be provided verbally and in written format.

* * *

AMENDMENT NO. 8

On page 5, between lines 1 and 2, insert the following:

"R.S. 46:460.5(D) is all proposed new law.

D. The department shall promulgate rules and regulations to implement the provisions of the earned income disregard program provided for in Paragraph (1) of this Subsection, in accordance with the Administrative Procedure Act."

AMENDMENT NO. 9

On page 5, delete all of line 2

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

SENATE BILL NO. 679—

BY SENATORS CHAISSON AND AMEDEE AND REPRESENTATIVE FUTRELL

AN ACT

To amend and reenact R.S. 14:98(D)(1) and (3), (E)(1) and (3), and (I), relative to operating a vehicle while intoxicated; to provide with respect to the criminal penalties for third, fourth, and subsequent offenses of operating a vehicle while intoxicated; to provide for the court's discretion in suspending a portion of the criminal sentence for third, fourth, and subsequent offenses; to provide for the court's discretion in ordering an offender to substance abuse treatment and home incarceration; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Chaisson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 690—

BY SENATORS HINES, JACKSON, BAOJIE, N. GAUTREAUX, MCPHERSON AND SCHEDLER

AN ACT

To enact Part LXI of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.222 through 1300.227, relative to federally qualified health centers and rural health clinics; to authorize the Department of Health and Hospitals to develop and implement a long-term plan to encourage expansion and development of federally qualified health centers and rural health clinics; to provide findings; to provide definitions; to provide for reports to the legislature; to provide for rules and regulations; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator McPherson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 726—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 51:2378(A) and the introductory paragraph of (B), 2382(B)(1),(2),(5),(6), and (7), and 2383(C), and to enact R.S. 51:2378(B)(14), and (C)(15), 2381(C), and 2383(13), (14), (15), (16), (17), (18), (19), (20), (21), and (22), relative to the Louisiana Economic Development Council; to increase the membership of the council; to provide for reports by the council to the legislature; to appoint certain subcommittees of the council; to increase the cabinet advisory group on economic development; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 726 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 3 between "51:2378(B)(14)" and the comma "," insert "and (15)"

AMENDMENT NO. 2

On page 1, line 4 between "(C)(15)" and the comma "," insert "and (16)"

AMENDMENT NO. 3

On page 1, line 11 between "2383(C)" and the comma "," insert "are hereby amended and reenacted"

AMENDMENT NO. 4

On page 1, line 11 between "51:2378(B)(14)" and the comma "," insert "and (15)" and between "(C)(15)" and the comma "," insert "and (16)"

AMENDMENT NO. 5

On page 1, line 15 after "twenty" change "**-one**" to "**-two**"

AMENDMENT NO. 6

On page 1, at the beginning of line 17 change "**Nineteen**" to "**Twenty**"

AMENDMENT NO. 7

On page 2, line one change "**Seven**" to "**Eight**"

AMENDMENT NO. 8

On page 2, between lines 5 and 6 insert the following:
 "(1) * * *

AMENDMENT NO. 9

On page 2, between line 8 and 9 insert the following:

"R.S. 51:2378(B)(15) is all proposed new law.

(15) One representative from the Louisiana Commission on Women's Policy and Research."

AMENDMENT NO. 10

On page 2, between lines 13 and 14 insert the following:

"R.S. 51:2378(C)(16) is all proposed new law.

(16) Louisiana Commission on Women's Policy and Research."

AMENDMENT NO. 11

On page 3, line 21 delete "**Women's Commission**" and insert "**Louisiana Commission on Women's Policy and Research**"

AMENDMENT NO. 12

On page 4, between lines 17 and 18 insert the following:

"(A)(1) * * *

AMENDMENT NO. 13

On page 5, line 6 after "(21)" delete the remainder of the line and insert "Special Assistant to the Governor on Women."

On motion of Senator Hollis, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 732—
BY SENATOR CAIN****AN ACT**

To amend and reenact R.S. 22:627(A)(2), 1257, 1258, 1259, 1262.1(B) and (E), the introductory paragraph of R.S. 22:1263, 1267(A), relative to surplus lines insurance; to provide for changes in insurance policies; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 732 by Senator Cain

AMENDMENT NO. 1

On page 1, line 2, change "1262.1(B)" to "1262.1(B)(1)"

AMENDMENT NO. 2

On page 1, line 3, change "1267(A)," to ". and R.S. 22:1267(A),"

AMENDMENT NO. 3

On page 1, line 4, delete "to provide for changes in insurance policies;" and insert in lieu thereof the following: "to require that the premium and premium tax on a surplus lines policy be separately stated on the policy declaration page; to provide for printing of an endorsement on the insurance contract and for the display of such endorsement; to remove requirements that certain insurers file affidavits as to passage of Insurance Regulatory Information Systems tests; to remove the commissioner's authority to remove an insurer from the list of approved unauthorized insurers if the insurer is designated a first, second, or third priority company by failing to pass certain prescribed tests of the Insurance Regulatory Information Systems; to remove the requirement that a surplus line broker keep an office in this state and removes the authority of the commissioner to revoke such insurer's license for failure to maintain such office in

the state; to remove the commissioner's authority to revoke a surplus lines broker's license for failure to maintain the required bond or other security requirements;"

AMENDMENT NO. 4

On page 1, line 6, change "22:627(A)," to "22:627(A)(2),"

AMENDMENT NO. 5

On page 1, line 6, after "1259," delete the remainder of the line and insert in lieu thereof the following: "1262.1(B)(1) and (E), the introductory paragraph of R.S. 22:1263, and R.S. 22:1267(A)"

AMENDMENT NO. 6

On page 1, delete line 9 in its entirety and insert in lieu thereof the following: "A. The premium quoted by the insurer shall be a specific dollar amount which shall be inclusive of all fees, charges, premiums, or other consideration charged for the insurance or for the procurement thereof, except that:

* * *

AMENDMENT NO. 7

On page 2, delete line 22 in its entirety and insert in lieu thereof the following: "B. The notice required under this Section shall, whether stamped or printed, be distinguished in either one of the following ways:"

AMENDMENT NO. 8

On page 2, line 23, change "Prominently" to "The notice shall be prominently"

AMENDMENT NO. 9

On page 2, line 23, after "red" change the semicolon ";" to a period and delete "or"

AMENDMENT NO. 10

On page 2, line 24, between "If" and "printed" insert "the notice is"

AMENDMENT NO. 11

On page 2, line 24 between "black," and "prominently" insert "it shall be"

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 744—
BY SENATOR FIELDS****AN ACT**

To amend and reenact R.S. 16:11(A)(2), relative to the annual salary of assistant district attorneys payable by the state; to authorize certain district attorneys to reallocate the total amount fixed for the annual salary of their assistant district attorneys; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Chaisson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 754—
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 37:1701, 2366, and 2367 and to enact Part II of Chapter 28 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:2371 through 2378, relative to medical psychologists to prescribe drugs; to provide for other related powers and duties; to provide for definitions; to provide for the duties of the medical psychologist; to provide for a medical psychologist giving directions to certain other health care providers; to provide for qualifications for medical psychologists and the requirements for certification; to provide for renewal of the certificate; to prohibit issuance of a prescription by a psychologist who is not a medical psychologist certified to prescribe; to provide a penalty for violations; to provide for prescribing practices; to provide for controlled substance prescriptive authority; to provide for coordination with the Louisiana Board of Pharmacy; to provide for designation of existing law; to provide for effective date; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 754 by Senator Hines

AMENDMENT NO. 1

On page 3, line 18, after "controlled" delete "substance" and insert "substances, except narcotics"

AMENDMENT NO. 2

On page 3, between lines 19 and 20, insert the following: "(a) "Narcotics", as used in this Part, are defined as natural and synthetic opioid analgesics, and their derivatives, used to relieve pain.

(b) Nothing in Part II of this Chapter shall be construed as permitting a medical psychologist licensed under this Chapter to administer or prescribe any narcotic."

AMENDMENT NO. 3

On page 5, delete lines 7 through 9 and insert the following:

"A. The board shall implement a method for renewal of a certificate of prescriptive authority at the time of, and in conjunction with, the renewal of a medical psychologist's license to practice psychology.
B. Each medical psychologist applying for renewal of the certificate of prescriptive authority shall present satisfactory evidence to the board of having annually completed thirty clock hours of acceptable continuing education, as determined by the board, relevant to the pharmacological treatment of mental and emotional disorders prior to the date of renewal. The continuing education requirements under this Part shall be in addition to those continuing education requirements for licensure renewal under the provisions of LAC 46:LXIII. 801 and 802."

AMENDMENT NO. 4

On page 5, line 22, after "psychologist" insert "and the physician"

On motion of Senator McPherson, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

Rules Suspended

Senator N. Gautreaux asked for and obtained a suspension of the rules for the purpose of taking up at this time.

**Senate Bills and Joint Resolutions on
Third Reading and Final Passage,
Subject to Call**

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator N. Gautreaux asked that Senate Bill No. 295 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 295—

BY SENATOR N. GAUTREAUX

AN ACT

To enact R.S. 51:1423, relative to deceptive and unfair trade practices; to prohibit the issuing of a gift certificate with an expiration date or which includes any service fee; to provide for penalties; and to provide for related matters.

Floor Amendments Sent Up

Senator N. Gautreaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux and Duplessis to Engrossed Senate Bill No. 295 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 2, line 3 between "date" and the period "." insert the following: ",", which is less than five years from the date of issuance. Such expiration date shall appear in capital letters in at least 10-point font on the gift certificate"

AMENDMENT NO. 2

On page 2, at the end of line 4 insert the following: "However, nothing shall prevent the issuer from charging a one time handling fee, which shall not exceed one dollar per gift certificate."

AMENDMENT NO. 3

On page 2, line 9 after "font on the" delete "front of the"

AMENDMENT NO. 4

On page 2, between lines 15 and 16 insert the following: "(3) Gift certificates that are usable with multiple sellers of goods or services."

On motion of Senator N. Gautreaux, the amendments were adopted.

On motion of Senator N. Gautreaux, the amended bill was read by title and returned to the Calendar, subject to call.

Regular Order of the Day Resumed

Senate Bills and Joint Resolutions on Third Reading and Final Passage

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

SENATE BILL NO. 368— BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 38:291(F)(1)(d) and (2), and to enact R.S. 38:325(C)(4), relative to the Lafourche Basin Levee District; to provide for the authority, powers, duties, functions, and membership of the district; to provide for the scope of activities of the district; and to provide for related matters.

The bill was read by title. Senator Dupre moved final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Amedee	Ellington	Malone
Bajoie	Fields	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Irons	Schedler
Cravins	Jackson	Smith
Dardenne	Jones	Theunissen
Duplessis	Kostelka	Ullo
Total—36		

NAYS

Total—0

ABSENT

Adley	Fontenot	Holden
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 416— BY SENATOR MICHOT

AN ACT

To enact R.S. 37:2150.1(14), and Part III of Chapter 24 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:2180.1 through 2180.5, relative to heating, ventilation,

air conditioning, and refrigeration ("HVACR") contracting; to provide for the registration of HVACR contractors; to provide for requirements for certain HVACR contractors; to provide for requirements for certain HVACR contracts; to provide fees for registrations and renewal; to provide for administrative penalties; to provide for exemptions from registration; and to provide for related matters.

On motion of Senator Michot, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 554— BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 32:365(A)(1), relative to motor vehicles; to provide relative to traffic safety; to prohibit driving a motor vehicle equipped with certain display screens used with audio equipment capable of driver distractions; and to provide for related matters.

Floor Amendments Sent Up

Senator Fields sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fields to Engrossed Senate Bill No. 554 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 11, change "**(2)(a)**" to "**(a)**"

AMENDMENT NO. 2

On page 2, between lines 6 and 7, insert the following:

"(c) The provisions of Subparagraph (b) shall not apply to any navigational or global positioning display system or other digital display which is part of any factory-installed digital or display system, including but not limited to displays used to display vehicle information, mapping display, or to monitor the area immediately to the rear or sides of the vehicle for purposes of maneuvering the vehicle."

On motion of Senator Fields, the amendments were adopted.

The bill was read by title. Senator Dupre moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Amedee	Ellington	Malone
Bajoie	Fields	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero

Cheek	Irons	Schedler
Cravins	Jackson	Smith
Dardenne	Jones	Theunissen
Duplessis	Kostelka	Ullo
Total—36		

NAYS

Total—0

ABSENT

Adley	Fontenot	Holden
Total—3		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 555—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 32:361.2, relative to motor vehicle safety; to provide for medical exemptions to restrictions on tint on motor vehicle windows; to provide for the review of such exemptions; and to provide for related matters.

On motion of Senator Dupre, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 558—
BY SENATOR DUPRE

AN ACT

To authorize the Lafourche Parish governing authority to acquire certain property in Lafourche Parish by certain means; to provide for use of certain monies available to the parish; and to provide for related matters.

On motion of Senator Dupre, the bill was read by title and returned to the Calendar, subject to call.

Senator Fields in the Chair

SENATE BILL NO. 653—
BY SENATOR JONES

AN ACT

To amend and reenact R.S. 44:4.1(B)(31), and to enact R.S. 47:1508(B)(20) and R.S. 51:936(C) and (D), relative to the Department of Economic Development; to provide for cooperation between the Department of Economic Development and other state agencies; to authorize the department to obtain certain information in the possession of any state agency; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 653 by Senator Jones

AMENDMENT NO. 1

On page 2, line 10, after "from" and before "state" change "a taxpayer's" to "the" and on line 11, following "reports" and before "who" insert "of a taxpayer"

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jones to Engrossed Senate Bill No. 653 by Senator Jones

AMENDMENT NO. 1

On page 1, line 17, change "**906**" to "**936**"

On motion of Senator Jones, the amendments were adopted.

The bill was read by title. Senator Jones moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Gautreaux, N	Mount
Boasso	Heitmeier	Nevers
Boissiere	Hollis	Romero
Cain	Irons	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Kostelka	Ullo
Dardenne	Lentini	
Duplessis	Malone	
Total—34		

NAYS

Total—0

ABSENT

Adley	Gautreaux, B	Holden
Fontenot	Hainkel	
Total—5		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Jones moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 674—
BY SENATOR HINES

AN ACT

To enact R.S. 37:1360.31(B)(8), relative to prescriptive authority for physician assistants; to provide for such prescriptive authority

for physician assistants under certain circumstances; and to provide for related matters.

The bill, which was designated a duplicate of House Bill No. 1140, was read by title. Senator Hines moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Irons
Amedee	Duplessis	Jackson
Bajoie	Dupre	Jones
Boasso	Ellington	Kostelka
Boissiere	Fields	McPherson
Cain	Gautreaux, B	Nevers
Chaisson	Gautreaux, N	Romero
Cheek	Heitmeier	Schedler
Cravins	Hollis	Smith
Total—27		

NAYS

Hainkel	Marionneaux	Theunissen
Lentini	Michot	Ullo
Malone	Mount	
Total—8		

ABSENT

Adley	Fontenot
Barham	Holden
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Hines moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 710—

BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 34:855.3(E) and (F), relative to the regulation of personal watercraft; to change the age requirement to sixteen years of age to operate a personal watercraft; to authorize a person thirteen years of age or older on August 15, 2004, until they reach the age of sixteen, to operate a personal watercraft if they have completed a boating safety education course and are accompanied by a person at least 18 years of age; and to provide for related matters.

On motion of Senator Ellington, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 735—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 40:2117.1(4), relative to licensure of end stage renal disease (ESRD) facilities; to exempt penal and correctional facilities from the requirements of licensure as end stage renal disease (ESRD) facilities; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Irons	Schedler
Cravins	Jackson	Smith
Dardenne	Jones	Theunissen
Duplessis	Kostelka	Ullo
Dupre	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Adley	Fontenot
Barham	Holden
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Mr. President in the Chair

Rules Suspended

Senator McPherson asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Introduction of Senate Bills and Joint Resolutions

The following Senate Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

SENATE BILL NO. 771—

BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 23:992, relative to employment of certain aliens; to prohibit hiring undocumented illegal aliens; to provide for penalties; and to provide for related matters.

The bill was read by title; lies over under the rules.

SENATE BILL NO. 772—
BY SENATOR MALONE

AN ACT

To enact R.S. 17:85.6, relative to naming an auditorium; to authorize the parish school board in certain parishes to name an auditorium in honor of a former educator and principal; to provide limitations; and to provide for related matters.

The bill was read by title; lies over under the rules.

SENATE BILL NO. 773—
BY SENATOR FIELDS

AN ACT

To enact R.S. 42:1111(A)(3), relative to the Code of Governmental Ethics; to provide relative to the payment of public servants from nonpublic sources; to provide for certain exceptions; and to provide for related matters.

The bill was read by title; lies over under the rules.

SENATE BILL NO. 774—
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 34:29, relative to the Port of New Orleans; to increase the total bonded indebtedness of the Board of Commissioners of the Port of New Orleans; and to provide for related matters.

The bill was read by title; lies over under the rules.

**Introduction of
Senate Concurrent Resolutions**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Concurrent Resolutions a first and second time and acting upon them as follows:

SENATE CONCURRENT RESOLUTION NO. 63—
BY SENATOR MARIONNEAUX AND REPRESENTATIVE CAZAYOUX

A CONCURRENT RESOLUTION

To commend Becky Lorio on her selection as a winner of the Government-in-Action Youth Tour trip to Washington, D.C.

The resolution was read by title. Senator Marionneaux moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Irons	Schedler

Cravins	Jackson	Smith
Dardenne	Jones	Theunissen
Duplessis	Kostelka	Ullo
Dupre	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Adley	Fontenot
Barham	Holden
Total—4	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 64—
BY SENATOR MARIONNEAUX AND REPRESENTATIVE ST. GERMAIN

A CONCURRENT RESOLUTION

To commend Kari Johnson on her selection as a winner of the Government-in-Action Youth Tour trip to Washington, D.C.

The resolution was read by title. Senator Marionneaux moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Irons	Schedler
Cravins	Jackson	Smith
Dardenne	Jones	Theunissen
Duplessis	Kostelka	Ullo
Dupre	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Adley	Fontenot
Barham	Holden
Total—4	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 65—
 BY SENATOR MARIONNEAUX AND REPRESENTATIVE BROOME
 A CONCURRENT RESOLUTION

To commend David Kador on his selection as a winner of the Government-in-Action Youth Tour trip to Washington, D.C.

The resolution was read by title. Senator Marionneaux moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Irons	Schedler
Cravins	Jackson	Smith
Dardenne	Jones	Theunissen
Duplessis	Kostelka	Ullo
Dupre	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Adley	Fontenot
Barham	Holden
Total—4	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Motion to Recommit

Senator Hines asked for and obtained a suspension of the rules and recommitted Senate Bill No. 366 from the Committee on Judiciary A to the Committee on Commerce, Consumer Protection and International Affairs.

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

April 15, 2004

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolution has been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 55—

BY SENATORS HOLDEN AND DARDENNE AND REPRESENTATIVES ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOUIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, BURNS, BURRELL, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, GEYMAN, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KATZ, KENNARD, KENNEY, LABRUZZO, LAFLEUR, LAMBERT, LANCASTER, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SALTER, SCALISE, SCHNEIDER, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAINE, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON AND WRIGHT

A CONCURRENT RESOLUTION

To recognize October 1, 2004, as World Peace Day in the state of Louisiana.

Respectfully submitted,
 CHARLES D. JONES
 Chairman

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

Leaves of Absence

The following leaves of absence were asked for and granted:

Adley	1 Day	Fontenot	1 Day
Holden	1 Day		

Adjournment

Senator Bajoie moved that the Senate adjourn until Monday, April 19, 2004, at 5:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 5:00 o'clock P.M. on Monday, April 19, 2004.

GLENN A. KOEPP
 Secretary of the Senate

GAYE F. HAMILTON
 Journal Clerk